

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

United States of America,

Plaintiff

v.

Eduardo Lopez,

Defendant

Case No. 2:23-cr-00055-CDS-DJA

**Order Granting in Part Defendant's  
Motion to Continue**

[ECF No. 252]

This case was previously set for jury trial to commence on October 7, 2024. Order to Continue, ECF No. 97. On August 16, 2024, defendant Eduardo Lopez filed a motion to continue the trial date by nine months (ECF No. 252), which the United States opposed (ECF No. 257). On September 5, 2024, the court heard oral argument on the continuance motion. Mins. of Proceedings, ECF No. 287. After hearing the arguments of the parties, the court granted the motion to continue in part, continuing the trial until March of 2025. The court makes the following findings of fact and conclusions of law.

**I. Findings of fact and conclusions of law**

1. Lopez seeks additional time to review the discovery produced by the government, as well as to receive and review new discovery<sup>1</sup> that should be produced in the next several weeks;
2. there are several outstanding motions and objections that the court must resolve before the trial date;
3. that the defendant does not object to the continuance; and

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<sup>1</sup> Lopez anticipates receiving approximately 41,000 records from an unidentified company. ECF No. 252 at 2.

1 4. given the outstanding need to review discovery, together with the number of pending  
2 motions, that denial of this request for a continuance would likely result in a  
3 miscarriage of justice, thus the ends of justice served by this continuance outweighs  
4 the best interest of the public and the defendant's interest in a speedy trial.

5 For these reasons, I conclude:

- 6 1. that the ends of justice are best served by granting this continuance, which  
7 outweighs the best interest of the public and the defendant's interest in a speedy  
8 trial;  
9 2. that denial of the continuance would likely result in a miscarriage of justice;  
10 3. that denial of the continuance would deprive the parties of the opportunity to fully  
11 brief and address pre-trial motions and related filings, the rulings of which impact  
12 trial preparation; and  
13 4. that denial of the continuance would deny the parties herein sufficient time to  
14 prepare for trial taking into account the exercise of due diligence.

15 I further conclude that after considering the factors set forth in Title 18, United States  
16 Code, § 3161(h)(7)(B)(i) and (iv), that this continuance is excludable under the Speedy Trial  
17 Act. *See* 18 U.S.C. § 3161(h)(1)(D) and (7)(A).

18 **II. Conclusion**

19 IT IS HEREBY ORDERED that the defendant's motion to continue trial [ECF No. 252]  
20 is **GRANTED IN PART**, as set forth in this order.

21 IT IS FURTHER ORDERED that the calendar call is continued to March 4, 2025, at 9:30  
22 a.m., and the trial date is continued to March 10, 2025, at 9:30 a.m.

23 IT IS FURTHER ORDERED that the parties must appear for a status check regarding  
24 trial on January 16, 2025, at 10:00 a.m.

1 IT IS FURTHER ORDERED that the parties must meet and confer regarding any need to  
2 update or change motions deadlines, and if needed, to file a stipulated scheduling order within  
3 two weeks of September 5, 2024.

4 Dated: September 10, 2024

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6 Cristina D. Silva  
7 United States District Judge  
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